



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MSL-1

PATENT APPLICATION

MARC IVOR JOHN BEALE

Application No. 09/980,955

Examiner Leonid Shapiro

Filed: December 4, 2001

Art Unit: 2629

COMMUNICATION SYSTEM AND METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR RECONSIDERATION

On the pretext that Applicant seeks an impermissible importation of explanatory matter into the claims (paragraph bridging pages 5 and 6 of the July 7, 2008 Office Action), the Examiner finds justification for denying significance to unique and essential features of the system and method of the invention. A rejection so founded is patently improper, and indefensible.

The Examiner refers in this regard to the discussion on pages 3 to 5 of Applicant's March 26, 2008 Response to Office Action, concerning the relationship that exists between the recited predetermined bearing and the desired symbol and central

region, and that is defined by the terms “offset” and “parallel.”¹ The explanation provided was necessitated however by the Examiner’s own failure, evident from the position enunciated, to comprehend the defined relationship. Contrary to the Examiner’s contention, therefore, there was and is no desire or intent to introduce ancillary matter into the claims.

Given their plain meaning, as must of course be done (MPEP 2111.01), the words in Applicant’s claims — speaking for themselves, and being “construed to mean exactly what they say” — define the essential relationship concisely and in a manner that is readily comprehended by those having ordinary skill in the art. No augmentation is needed.

The Examiner’s contrary contention is destructive of Applicant’s claims, and serves only to enable an unfounded rejection based upon prior art that is essentially deficient and that clearly does not render the invention unpatentable. No reference, or combination of references, teaches or suggests a communication system or method in which, *inter alia*, a “predetermined bearing ... [is] ... substantially parallel to a direction of the desired symbol relative to a central region of the communication region within a tolerance determined ... [as recited] ... and offset relative to the location of the symbol to be selected.”

¹ It is noted that the Examiner’s statements are themselves inconsistent. On the one hand he refers to the explanation provided in the Remarks of Applicant’s response, whereas on the other hand he refers to reading “limitations from the specification [without identifying the disclosure] ... into the claims,” citing authority moreover in support of this irrelevant assertion.

Considered fairly, therefore, and with due weight being given to *all* recited limitations, it is evident that Applicant's claims define an invention that is manifestly novel and patentable over the prior art. Withdrawal of the rejection is in order, and is earnestly solicited.

Respectfully Submitted,
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By 

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CERTIFICATE OF MAILING

I, IRA S. DORMAN, hereby certify that this Request for Reconsideration is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed as set forth on the first page hereof, on September 8, 2008.



cc: Derek C. Jackson, Esq.
(Ref. No.P0434)